

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

MARY QUESENBERRY, et al.,)	
Plaintiffs,)	Civil Action No. 1:08cv00026
)	
v.)	<u>ORDER</u>
)	
VOLVO GROUP NORTH AMERICA,)	
INC., f/k/a VOLVO TRUCKS NORTH)	
AMERICA, INC., et al.,)	By: GLEN M. WILLIAMS
Defendants.)	SENIOR UNITED STATES DISTRICT
)	JUDGE

This case is currently before the court on the plaintiffs’ Motion For Preliminary Injunction, (Docket Item No. 20), (“Motion For Preliminary Injunction”), and the defendants’ Motion To Dismiss, Stay or Transfer, (Docket Item No. 5), (“Motion To Dismiss, Stay or Transfer”). The case was referred, pursuant to 28 U.S.C. § 636(b)(1)(B), to the Honorable Pamela Meade Sargent, United States Magistrate Judge. On March 10, 2009, the Magistrate Judge entered a report and recommendation, (Docket Item No. 38), (“the Report”), recommending that both motions be denied. Objections to the Report were due by March 30, 2009. Plaintiffs filed timely objections, (Docket Item No. 38), on March 27, 2009.

Due to the fact that both parties agree that the Plaintiffs’ objection to the reliance on the legal standard set forth in *Gable v. Sweetheart Cup Co., Inc.*, 35 F.3d 851, 855 (4th Cir. 1994), is not essential to the Magistrate Judge’s recommendation and does not have to be adopted or rejected at this time, the court will refrain from making a decision on this issue at this juncture of the case. Upon the consideration

of the Report and the objections thereto, the undersigned finds that the Magistrate Judge's Report shall be **ACCEPTED**.

Accordingly, for the reasons detailed in the Magistrate Judge's Report and in this Order, the plaintiffs' Motion For Preliminary Injunction is hereby **DENIED**, and the defendants' Motion To Dismiss, Stay or Transfer is hereby **DENIED**.

The Clerk is directed to enter this Order and provide copies to all counsel of record.

ENTER: This 21st day of May 2009.

/s/ Glen M. Williams

SENIOR UNITED STATES DISTRICT JUDGE